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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,069	12/29/2003	Stavros Photios Basseas	8362/85877 (Parent) (BEL-	7945
24628	7590	08/09/2006	EXAMINER	
WELSH & KATZ, LTD			ENSEY, BRIAN	
120 S RIVERSIDE PLAZA			ART UNIT	
22ND FLOOR			PAPER NUMBER	
CHICAGO, IL 60606			2615	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/749,069	Applicant(s) BASSEAS, STAVROS PHOTIOS	
	Examiner Brian Ensey	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 and 24-29 is/are allowed.
- 6) ☒ Claim(s) 19, 22, 23, 30, 31, 33, 34, 36, 37, 39 and 40 is/are rejected.
- 7) ☒ Claim(s) 20, 32, 35 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 19, 30, 31, 34 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Shennib U.S. Patent No. 5,825,894.

Regarding claim 19, Shennib discloses a fitting system for programming a separate programmable hearing aid comprising: a programmable processor (PC 11, see col. 12, line 65 to col. 13, line 3) coupled to circuitry for transferring parameters from the processor to a programmable hearing aid to specify the performance thereof; software, executable by the processor for presenting pre-stored audio stimuli to the hearing (digital data representing audio sources stored in PC 11 memory, see col. 13, lines 12-20) and circuitry for receipt of real-time feedback from a user of the hearing aid, the feedback being related to the presented pre-stored audio stimuli (response keypad 27 to register user response and supply such data to PC 11); second software executable by the processor responsive to the user feedback to modify the parameters of the programmable hearing aid in accordance with that feedback (aided evaluation process, see col. 28, lines 17-37); and additional software for downloading the modified parameters to the programmable hearing aid (See col. 19, lines 58-65) thereby altering the performance thereof (See Figs. 1, 19, 21, 28 and col. 19, lines 34-65).

Regarding claims 22 and 23, Shennib further discloses software for repetitively presenting the audio stimuli (digital data representing audio sources stored in PC 11 memory,

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see col. 13, lines 12-20) and in response to user feedback (response keypad 27 to register user response and supply such data to PC 11), repetitively modifying the parameters thereby providing an optimized set of parameters (aided evaluation process, see col. 28, lines 17-37).

Regarding claim 30, Shennib discloses a fitting system for establishing a set of performance defining parameters for a separate hearing aid comprising: circuitry for downloading parameters to and programming the hearing aid (PC 11, see col. 12, line 65 to col. 13, line 3); circuitry for presenting pre-stored audio stimuli to the hearing aid for user evaluation of the performance of the hearing aid using the programmed parameters (digital data representing audio sources stored in PC 11 memory, see col. 13, lines 12-20); and circuitry for receiving feedback from a user of the hearing aid, the feedback being related to the presented pre-stored audio (response keypad 27 to register user response and supply such data to PC 11) and modifying the parameters of the hearing aid in accordance with that feedback with a current updated set of parameters (aided evaluation process, see col. 28, lines 17-37) that are downloaded to the hearing aid (See Figs. 1, 19, 21, 28 and col. 19, lines 34-65).

Regarding claim 31, Shennib further discloses circuitry for retrieving the pre-stored sound stimuli to be presented to the user (programmable interface between PC 11 and programmable hearing aid, see col. 19, lines 50-65).

Regarding claim 33, Shennib further discloses a programmed processor for providing an initial parameter set for the hearing aid (See predicted evaluation col. 24, lines 35-44).

Regarding claim 34, Shennib discloses a fitting system for programming a separate hearing aid comprising: software for presenting pre-stored audio stimuli to the hearing aid (digital data representing audio sources stored in PC 11 memory, see col. 13, lines 12-20) and

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circuitry for receipt of real-time feedback from a user of the hearing aid, the feedback being related to the presented pre-stored audio stimuli (response keypad 27 to register user response and supply such data to PC 11); circuitry responsive to the user feedback to modify a current set of parameters of the hearing aid (aided evaluation process, see col. 28, lines 17-37); and second software for downloading modified parameters to the hearing aid thereby altering the characteristics thereof (See col. 12, line 65 to col. 13, line 3 and col. 19, lines 34-65).

Regarding claim 36, Shennib further discloses additional circuitry to repetitively modify the parameters (aided evaluation process, see col. 28, lines 17-37).

Regarding claim 37, Shennib discloses a method of optimizing a set of parameters for a hearing aid comprising: presenting pre-stored audio stimuli to a hearing aid with a set of parameter set (digital data representing audio sources stored in PC 11 memory, see col. 13, lines 12-20); receiving feedback responsive to the stimuli from a user of the hearing aid (response keypad 27 to register user response and supply such data to PC 11); processing the user feedback and altering the existing set of parameters of the hearing aid in response thereto (aided evaluation process, see col. 28, lines 17-37); transferring the altered set of parameters to the hearing aid (See col. 12, line 65 to col. 13, line 3); and repeating the process (process is repeated for optimal hearing settings).

Regarding claim 39, Shennib further discloses transferring includes electrically transferring the altered set of parameters to the hearing aid to electrically alter the characteristics thereof (See col. 12, line 65 to col. 13, line 3 and col. 19, lines 34-65).

Regarding claim 40, Shennib further discloses the circuitry includes a programmer that couples the modified parameters to the hearing aid (See col. 19, lines 47-65).

Allowable Subject Matter

Claims 21 and 24-29 are allowed.

Claims 20, 32, 35 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 19, 22, 23, 30, 31, 33, 34, 36 and 37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Ensey whose telephone number is 571-272-7496. The examiner can normally be reached on Monday - Friday 6:30 AM - 3:00 PM.

The Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group **Art Unit 2615**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Or faxed to:

(571) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT".

Hand-delivered responses should be brought to:

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Randolph Building
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Brian Ensey
Examiner
August 7, 2006